<u>REMARKS</u>

In the Office Action dated February 18, 2005, claims 1, 2, 11, 12, and 21-24 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,064,656 (Angal); claims 3, 4, 13, and 14 were rejected under § 103 over Angal in view of U.S. Patent No. 6,427,168 (McCollum); and claims 5-10 and 15-20 were rejected under § 103 over Angal in view of U.S. Patent No. 6,459,700 (Hoang).

Angal does not disclose the following feature of claim 1: a first e-service (that provides a portal to the composite e-service) sending a first request to a second e-service at a first lower level of the tree structure, and a second e-service sending a second request to a third e-service at a level of the tree structure lower than the first lower level.

The Office Action identified the MIS (management information server) 150 disclosed in Angal as being the first e-service, and the auxiliary server 152 as being the second e-service. 2/18/2005 Office Action at 3. The Office Action identified the objects "managed by the auxiliary server 152" as being the third e-service recited in the claim. *Id.* The Office Action further stated that "each of the auxiliary servers 152 performs access control for objects in its own respective designated subtrees of the management objects tree." *Id.* The fact that each auxiliary server 152 is able to process a portion of the management object tree 170, as taught by Angal, is not the same as a second e-service at a first lower level of a tree structure sending a second request to a third e-service at a level of the tree structure lower than the first lower level, as claimed.

As noted, each auxiliary server 152 in Angal "performs access control for objects in respective designated subtrees of the management objects tree." Angal, 6:57-59. The management objects for which the auxiliary server 152 provides access control contain management information and resource control variables. Angal, 4:50-53. The management objects are thus just objects that contain *management information* and *resource control variables* – the management information and resource control variables are not e-services. Therefore, the management objects for which auxiliary servers 152 of Angal provide access control *cannot* be considered e-services.

Moreover, in response to requests, the management objects are retrieved by respective auxiliary servers 152. There is no indication in Angal that the auxiliary servers 152 send

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requests to the management objects—Angal describes the auxiliary servers as controlling access to the management objects. Thus, a management object as taught in Angal is not an e-service that receives a request from another e-service.

In addition, note that claim 1 recites that the first, second, and third e-services are part of *a* tree structure. In Angal, the management objects are part of the management object tree. The MIS 150 and auxiliary servers 152 are *not* part of the management object tree. Thus, an auxiliary server 152 accessing information in a management object is *not* the same as an e-service (that is part of a tree structure) sending a request to another e-service (at a lower level in the *same* tree structure).

Angal describes a distributed access control system to handle large numbers of access requests to a network having large numbers of management objects. Angal, 2:27-32. An access control engine is distributed across a plurality of servers, including a primary management information server 150 (MIS) and auxiliary servers 152. Angal, 6:21-24, 45-48. The MIS 150 of Angal only performs access control for objects at the top of a management objects tree, while each of the auxiliary servers 152 perform access control for objects in respective designated sub-trees of the management objects tree. Angal, 6:55-59. If an access request targets portions of the management object tree that are serviced by more than one server, the access request is split into access sub-requests by the MIS 150 and sent to the appropriate auxiliary servers 152. Angal, 7:16-20. Note, however, that Angal teaches that only the MIS 150 sends sub-requests to auxiliary servers 152--the auxiliary servers 152 do *not* in turn send further sub-requests to lower level auxiliary servers.

As explicitly taught by Angal, each auxiliary server 152, 154 includes the same hardware and software elements found in the MIS 150, except for "the special procedures (172, 178) in the MIS used for handling the receipt and partitioning of access requests, and the combining of responses ...." Angal, 8:13-17. Angal thus expressly teaches that the auxiliary server 152 is specifically designed *not* to be able to partition requests—in other words, the auxiliary server 152 would clearly not be able to send requests to other auxiliary servers to process objects of a tree structure further down in hierarchy. Therefore, an auxiliary server 152 is *not* an e-service that is able to send a request to another e-service at a lower level in the tree structure. The

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auxiliary servers 152 only control access of management objects to retrieve information from the management objects.

In view of the foregoing, it is clear that claim 1 is not anticipated by Angal.

Angal similarly does not disclose the subject matter of claim 11, which recites that to perform the service interactions, the first e-service sends one or more requests to one or more services at a lower level of the tree structure, and the *one or more e-services at the first lower level sends one or more requests to one or more e-services at a level in the tree structure lower than the first lower level.* As noted, the auxiliary servers 152 cannot be the one or more e-services at the first lower level of the tree structure that are able to send one or more requests to one or more e-services at a level in the tree structure lower than the first lower level. Also, contrary to the assertion in the Office Action, the management objects for which access is controlled by the auxiliary servers 152 in Angal, cannot be considered e-services that are at different levels in the same tree structure as the auxiliary servers 152 and MIS 150. Furthermore, the management objects of Angal cannot be considered e-services as recited in claim 11 that receive requests from another e-service.

Independent claim 21 is also not anticipated by Angal. Claim 21 recites a plurality of modules to provide a set of digital services arranged in a tree structure, where the digital services comprise at least one of on-line electronic commerce services, on-line news services, on-line sports services, on-line entertainment services, and on-line educational services. In the rejection, the Office Action stated that "Angal teaches a network management system 100 for controlling access to management objects in a computer network 106, where the computer network 106 can be virtually any type of computer implemented network that uses a management protocol for performing management functions (Angal, C4: L43-50)." 2/18/2005 Office Action at 4. This cited passage of Angal does *not* expressly teach that digital services is at least one of the services listed in claim 21. Angal describes a distributed access control system that handles access requests to management objects that represent different aspects of devices, such as configuration, statistics, status, and control. Angal, 1:42-46; 2:27-32. Such different aspects of devices do not constitute on-line electronic commerce services, on-line news services, on-line sports services, on-line entertainment services, or on-line educational services.

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The Office Action stated that because Angal states that the computer network 106 can be *virtually* any type of computer implemented network that uses a management protocol for performing management functions, that "the computer network 106 <u>can be</u> implemented as a network of digital services comprising one of on-line electronic commerce services, on-line news services, on-line sports services, on-line entertainment services, and on-line educational services." 2/18/2005 Office Action at 9 (emphasis added). As stated by the M.P.E.P., a "claim is anticipated only if each and every element as set forth in the claim is found, either *expressly* or *inherently* described, in a single prior art reference. M.P.E.P. § 2131 (8th ed., Rev. 2), at 2100-73. Clearly, Angal does not "expressly" teach the digital services recited in claim 21, as Angal is completely silent on the presence of such services. The only other basis for the anticipation rejection over Angal is that the recited digital services of claim 21 are "inherently" part of the Angal system. To prove inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." M.P.E.P. § 2112, at 2100-54. Inherency "may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Id.* at 2100-54, 55. "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic <u>necessarily</u> flows from the teachings of the applied prior art." *Id.* at 2100-55.

The Office Action has failed to provide any such rationale to support the argument that the digital services of claim 21 necessarily result from the described system of Angal. There is absolutely no evidence that the "virtually any type of computer implemented network that uses a management protocol for performing management functions" referred to Angal provides the digital services recited in claim 21.

Therefore, the Office Action has failed to establish a proper § 102 rejection of claim 21.

Dependent claims, including newly added dependent claims 25-27, are allowable for at least the same reasons as corresponding independent claims. Moreover, with respect to dependent claim 23 (which depends indirectly from claim 21), Angal does not teach that a first one of the modules associated with a first digital service is adapted to send one or more requests to one or more modules associated with digital services at first lower level of the tree structure,

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and the one or more modules associated with digital services at the first lower level to send one or more requests to one or more modules associated with digital services at a level in the tree structure lower than the first lower level. A discussion of why Angal does not disclose such a feature is provided above with respect to claim 1.

Claims 3-10 and 13-20 were rejected under § 103 over Angal in view of another reference. Because the rejection of each of base claims 1, 11, and 21 has been overcome, it is respectfully submitted that the obviousness rejections have also been overcome.

Moreover, with respect to claims 5 and 15, which depend from claims 1 and 11, respectively, a *prima facie* case of obviousness has not been established with respect to the claims over Angal and Hoang. Claim 5 recites that the step of combining the management information comprises the step of combining the management information *using an indicator carried in each set of management information* that identifies a service interaction between a client and the portal. Claim 15 recites that the managers of the e-services combine the management information *using an indicator carried in each set of management information* that identifies a service interaction between a client and the portal. Thus, the indicator of claim 5 or 15 is *used* for combining management information.

The Office Action conceded that Angal fails to disclose such use of an indicator. 2/18/2005 Office Action at 6. However, the Office Action relied upon Hoang as teaching an object identifier (OID), citing specifically to column 22, lines 40-44, of Hoang. However, there is no suggestion by Hoang of using the OID for combining management information at each of a set of levels of a tree structure. Therefore, the hypothetical combination of Angal and Hoang fails to teach or suggest all elements of claims 5 and 15. A *prima facie* case of obviousness has thus not been established with respect to claims 5 and 15.
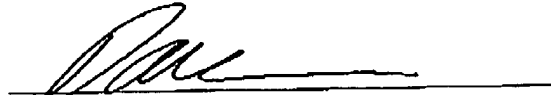
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In view of the foregoing, all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10991884-1).

Respectfully submitted,

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